

Application Serial No. 10/771,887
Amendment dated July 19, 2007
Reply to Office Action dated

REMARKS/ARGUMENTS

Claims 1-3, 6, 7, 10-16, 18, 19, 21, 22, and 24-28 are pending. Claims 1-3, 6, 7, 10-16, 18, 19, 21, 22, and 24-28 have been rejected.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-3, 6, 7, 10-12, 15, 16, 18, 19, 21, 22, and 24-26 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,016,606 to Murray et al. ("Murray '606").

Murray '606 discloses knee joint prosthesis 10, shown in Fig. 7, including tibial component 12, tibial component insert 14, and femoral component 16. Tibial component 12 includes anchoring stem 18 configured for receipt within a patient's tibia 26, shown in Fig. 1. Tibial component 12 also includes table or platform 28 having an upper surface normal to stem 18. Table or platform 28 includes a pair of edge flanges 30, 32, shown in perspective view in Fig. 7. Bores 34, 36 are adapted to receive locking pin 38. Additionally, tibial component insert 14 includes grooves 52, 54 configured to cooperate with edge flanges 30, 32 of table or platform 28 of tibial component 12. Grooves 52, 54 and flanges 30, 32 are slid into tight sealing engagement following anchoring of tibial component 12 within the tibia. Once engaged, pin 38 is passed through openings 56, shown in Figs. 5 and 8.

Applicants respectfully submit that amended independent Claims 1 and 15 are not anticipated by Murray '606, as Murray '606 fails to disclose each and every limitation called for in amended independent Claims 1 and 15. Specifically, amended independent Claim 1 calls for a device including, *inter alia*, a tibial base plate, an insert adapted to be positioned above the base plate, the insert and the base plate having a first configuration, wherein *the insert is translationally fixed to the base plate and rotatable relative to the base plate*. Similarly, amended independent Claim 15 calls for a device including, *inter alia*, a tibia base plate, an insert adapted to be positioned above the base plate, the insert and the base plate having a first configuration, wherein *the insert is translationally fixed to the base plate and rotatable relative to the base plate*.

Both amended independent Claims 1 and 15 call for a device having a configuration in which *the insert is translationally fixed to the base plate and rotatable relative to the base plate*. However, the only configuration of prosthesis 10 disclosed in Murray '606 is a configuration in which tibial component insert 14 is slid onto tibial component 12 with

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grooves 52, 54 mating with flanges 30, 32 to seal tibial component insert 14 to tibial component 12. In this configuration, pin 38 is inserted through opening 56 in tibial component insert 14 and bores 34, 36 in tibial component 12 to prevent translation of tibial insert 14 relative to tibial component 12. *See Murray '606, col. 3, line 32-42.* Thus, in this configuration, tibial component insert 14 is both translationally and rotationally fixed to tibial component 12.

Moreover, even if pin 38 is removed from tibial component insert 14 and tibial component 12, tibial component insert 14 is not translationally fixed to tibial component 12. Specifically, tibial insert component is free to slide in an anterior direction. In fact, tibial component insert 14 is initially secured to tibial component 12 by sliding tibial component insert 14 along tibial component 12 to engage flanges 30, 32 of component 12 with corresponding grooves 50, 52 in insert 14.

In contrast to Murray '606, the device of the present application is translationally fixed by the interaction of cone 22, shown in Fig. 3, and opening 24. Specifically, cone 22 extending from insert 12 is received within opening 24 of base plate 10 to allow for rotation of insert 12, while preventing translation of the same.

For the foregoing reasons, Applicants respectfully submit that amended independent Claims 1 and 15, as well as Claims 2, 3, 6, 7, 10-12, 16, 18, 19, 21, 22, and 24-26, which depend therefrom, are not anticipated by Murray '606.

Claim Rejections - 35 U.S.C. §103(a)

Claims 13 and 27 are rejected under 35 U.S.C. §103(a) as being obvious over Murray '606 in view of U.S. Patent No. 4,538,305 to Englebrecht et al. ("Englebrecht '305").

In forming this rejection, the Examiner relies on Murray '606 as disclosing or suggesting each and every limitation of amended independent Claims 1 and 15, from which Claims 13 and 27 depend, respectively. For at least the reasons set forth above, Murray '606 fails to disclose or suggest the limitations of amended independent Claims 1 and 15. Further, the Examiner's additional citation of Englebrecht '305 fails to overcome this deficiency, as neither Murray '606 nor Englebrecht '305, either alone or in combination, disclose or suggest an insert and a base plate having a first configuration, wherein the insert is translationally fixed to the base plate and rotatable relative to the base plate.

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For at least the foregoing reasons, Applicants respectfully submit that dependent Claims 13 and 27, which depend from amended independent Claims 1 and 15, are not obvious over Murray '606 in view of Englebrecht '305.

Claims 14 and 28 are rejected under 35 U.S.C. §103(a) as being obvious over Murray '606 in view of U.S. Patent No. 5,658,344 to Hurlburt ("Hurlburt '344"). In forming the rejection, the Examiner relies on Murray '606 as disclosing or suggesting each and every limitation of amended independent Claims 1 and 15, from which Claims 14 and 28 depend, respectively. For at least the reasons set forth above, Murray '606 fails to disclose or suggest each and every limitation of amended independent Claims 1 and 15. Further, the Examiner's additional citation of Hurlburt '344 fails to overcome this deficiency, as neither Murray '606 nor Hurlburt '344, either alone or in combination, disclose an insert and the base plate having a first configuration, wherein the insert is translationally fixed to the base plate and rotatable relative to the base plate, as required by amended independent Claims 1 and 15.

For at least the foregoing reasons, Applicants respectfully submit that dependent Claims 14 and 28, which depend from amended independent Claims 1 and 15, respectively, are not obvious over Murray '606 in view of Hurlburt '344.

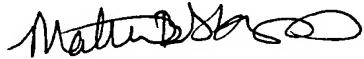
It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 19, 2007

MATTHEW B. SKAGGS, REG. NO. 55,814

Name of Registered Representative



Signature

July 19, 2007

Date